

MINUTES

North Dakota State Water Commission Audio Conference Call Meeting Bismarck, North Dakota

September 1, 2009

The North Dakota State Water Commission held an audio conference call meeting in the Governor's conference room at the State Capitol, Bismarck, North Dakota, on September 1, 2009. Governor John Hoeven, Chairman, called the meeting to order at 12:05 P.M., and requested Dale L. Frink, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Hoeven announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor John Hoeven, Chairman
Ken Junkert, representing Doug Goehring, Commissioner,
North Dakota Department of Agriculture, Bismarck
Arne Berg, Member from Devils Lake
Maurice Foley, Member from Minot
Larry Hanson, Member from Williston
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Douglas Vosper, Member from Niche

OTHERS PRESENT:

Dale L. Frink, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck
State Water Commission Staff
Lance Gaebe, Office of the Governor, Bismarck
Dave Koland, Garrison Diversion Conservancy District, Carrington
Lonnie Hoffer, North Dakota Division of Emergency Services, Bismarck
Dave Thompson, Prairie Public Radio, Bismarck
Blake Nicholson, Associated Press, Bismarck
Todd Sattler, North Dakota Office of Attorney General, Bismarck (via telephone)
Bonnie Greenleaf, U.S. Army Corps of Engineers, St. Paul, MN (via telephone)
Fred Bott, Mayor, City of Devils Lake (via telephone)
Mike Grafsgaard, Devils Lake City Engineer (via telephone)
Terry Johnston, Devils Lake City Administrator (via telephone)
Gary Martinson, Devils Lake City Assessor/Building Official (via telephone)
Rick Morse, Devils Lake City Commission (via telephone)

Joe Belford, Devils Lake Downstream Acceptance Program (via telephone)
Eric Arndt, Radio Works, Devils Lake (via telephone)
Leo Walker, Maddock, ND (via telephone)

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF AGENDA

There being no additional items for the agenda, Governor Hoeven announced the agenda approved as presented.

DEVILS LAKE LEVEE SYSTEM - APPROVAL OF ADDITIONAL STATE COST PARTICIPATION (\$20,825,798) (SWC Project No. 416-02)

On August 12, 1996, the City of Devils Lake entered into a contract with the U.S. Army Corps of Engineers for additional flood control (Devils Lake levee system) measures to reduce the risk of

flood damages at the City of Devils Lake and the surrounding area. The existing embankment has been raised several times and is currently at elevation 1460 feet msl.

The proposed federal project would raise the height of the levee from 1460 feet msl to a minimum of 1465 feet msl and a maximum of 1468 feet msl. The Corps of Engineers proposes three phases of construction at an estimated total cost of \$113,000,000, with a 75 percent federal/25 percent non-federal cost share (\$28,250,000). At 1468 feet msl, the levee would protect the city from a maximum lake level of 1459 feet msl, which allows 9 feet for wave action and freeboard.

The Corps of Engineers completed the Phase I design which has been submitted to the Corps headquarters for approval. Phase I involves raising approximately 8,800 feet of existing embankment along Creel Bay, the area with the highest wave run-up, and replacing the Creel Bay pump station. In addition to the raise, the Corps is modifying the levee to meet dam safety standards. The cost estimate for Phase I is \$23,200,000 and requires a 25 percent non-federal match of \$5,800,000. The City of Devils Lake will be required to execute a project cooperative agreement with the Corps of Engineers to address all phases of work on the Devils Lake levee system prior to final design and construction. The city will be responsible for all operation and maintenance costs for the project. Construction bids on Phase I are due September 14, 2009, with construction anticipated to begin in the fall of 2009.

On August 18, 2009, the State Water Commission approved a 50 percent state cost participation for the non-federal match for the Devils Lake levee system, Phase I, not to exceed an allocation of \$2,900,000 from the funds appropriated to the State Water Commission in the 2009-2011 biennium.

The Corps of Engineers requires that the project cooperative agreement be executed prior to the project's final design and construction for the total non-federal share of \$28,250,000. Governor Hoeven directed Secretary Frink and the Commission staff to work with the Corps of Engineers and representatives of the City of Devils Lake to develop a recommendation for the State Water Commission's consideration to secure the required funding in the 2009-2011 biennium.

The State Water Commission has allocated \$4,524,202 to date for the Devils Lake levee system, which includes the 2007-2009 biennium carry over of \$1,624,202, and \$2,900,000 on August 18, 2009. A request from the City of Devils Lake was presented for the State Water Commission's consideration for state cost participation not to exceed an additional \$20,825,798 for the non-federal share required to complete the raise of the Devils Lake levee system.

It was the recommendation of Secretary Frink that the State Water Commission approve state cost participation not to exceed an additional allocation of \$20,825,798 for the non-federal share (25 percent) required to complete the raise of the Devils Lake levee system project. This amount is in addition to the Commission's previous approvals of \$4,524,202, and the City of Devils Lake's contribution of \$2,900,000, for the total non-federal share of \$28,250,000.

Governor Hoeven urged the Corps of Engineers to take whatever measures possible to reduce the maximum cost of the Devils Lake levee system project.

It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve state cost participation not to exceed an additional allocation of \$20,825,798 from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H. B. 1020) to the City of Devils Lake for the non-federal share (25 percent) required to complete the Devils Lake levee system project. This action is contingent upon the availability of funds; and, that the City of Devils Lake serve as the local project sponsor and execute the project cooperative agreement between the U.S. Army Corps of Engineers and the City of Devils Lake.

This action increases the total state cost participation to \$25,350,000 for the Devils Lake levee system project.

Commissioners Berg, Foley, Hanson, Ken Junkert representing Commissioner Goehring, Olin, Swenson, Thompson, Vosper, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

***DEVILS LAKE OUTLET EXPANSION -
AUTHORIZATION TO ENTER INTO
AGREEMENT WITH NORTHERN
PLAINS ELECTRIC COOPERATIVE
FOR DESIGN OF POWER LINES
(SWC Project No. 416-07)***

On August 18, 2009, the State Water Commission approved an allocation not to exceed \$16,500,000 from the funds appropriated to the State Water Commission in the 2009-2011 biennium for the expansion of the Devils Lake outlet to 250 cubic feet per second using the Round Lake alternative.

Northern Plains Electric Cooperative presently supplies power to the existing Devils Lake outlet. The source that is currently used is not adequate to supply the additional load to increase the pumping capacity, therefore, new lines will need to be constructed to provide the additional power needed for the expansion. The estimated cost for the power line design is \$118,000, of which \$43,000 is for aerial photogrammetry of the route. The cost of the power line design was included in the \$16,500,000 allocated by the State Water Commission on August 18, 2009, however, the recommendation and motion did not include authorization for the secretary to the State Water Commission to enter into a contract with Northern Plains Electric Cooperative.

It was the recommendation of Secretary Frink that the State Water Commission authorize the secretary to the State Water Commission to execute the agreement with Northern Plains Electric Cooperative for the design of the required power lines for the Devils Lake outlet expansion at a cost not to exceed \$118,000.

It was moved by Commissioner Foley and seconded by Commissioner Berg that the State Water Commission authorize the secretary to the State Water Commission to execute the agreement with Northern Plains Electric Cooperative for the design of the required power lines for the Devils Lake outlet expansion at a cost not to exceed \$118,000.

Commissioners Berg, Foley, Hanson, Ken Junkert representing Commissioner Goehring, Olin, Swenson, Thompson, Vosper, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

There being no further business to come before the State Water Commission, Governor Hoeven adjourned the audio conference call meeting at 12:25 P.M.



John Hoeven, Governor
Chairman, State Water Commission

Dale L. Frink
North Dakota State Engineer,
and Chief Engineer-Secretary to the
North Dakota State Water Commission

